

**BEFORE THE WATER RESOURCES DEPARTMENT  
OF THE  
STATE OF OREGON**

In the Matter of Permit Amendment	)	FINAL ORDER
T-10777, Umatilla County	)	APPROVING CHANGES IN POINTS
	)	OF APPROPRIATION, ADDITIONAL
	)	POINTS OF APPROPRIATION, A
	)	CHANGE IN PLACE OF USE,
	)	PARTIAL CANCELLATION OF
	)	WATER RIGHTS, AND PARTIAL
	)	DIMINUTION OF WATER RIGHTS

**Authority**

ORS 537.211 establishes the process in which a water right permit holder may submit a request to change the point of appropriation and/or place of use authorized under an existing water right permit. ORS 540.621 establishes the process for the owner of land to which a water right is appurtenant to certify under oath that the water right, or a portion thereof, has been abandoned and to voluntarily request that it be cancelled.

**Applicant**

SEVEN HILLS PROPERTIES LLC  
83501 LOWER DRY CREEK ROAD  
MILTON-FREEWATER, OREGON 97862

**Findings of Fact**

**Background**

1. On January 28, 2009, Seven Hills Properties LLC filed an application to change the points of appropriation and additional points of appropriation under Permit G-15883. The Department assigned the application number T-10777.
2. On March 27, 2009, the applicant amended the application with a request for a change in place of use of Permit G-15883.

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

3. The permit to be amended is as follows:

**Permit:** G-15883 in the name of SEVEN HILLS PROPERTIES LLC  
**Use:** IRRIGATION OF 1151.8 ACRES AND SUPPLEMENTAL IRRIGATION OF 376.2 ACRES  
**Priority Date:** OCTOBER 8, 2004  
**Quantity:** 16.82 CUBIC FEET PER SECOND  
**Rate/Duty:** The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second and 3.0 acre-feet for each acre irrigated during the irrigation season of each year.  
**Period of Use:** Primary irrigation from MARCH 1 through OCTOBER 31  
 Supplemental irrigation from APRIL 1 to OCTOBER 1  
**Source:** EIGHT WELLS within the DRY CREEK BASIN

**Authorized Points of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	3	SW SE	Well 3A - 1225 feet North and 2900 feet East from the SW Corner of Section 3
5 N	35 E	WM	10	NW NE	Well 3B - 666 feet South and 1761 feet West from the NE Corner of Section 10
5 N	35 E	WM	4	NE SW	Well 4A - 2960 feet South and 3140 feet West from the NE Corner of Section 4
5 N	35 E	WM	9	NE NE	Well 4B - 380 feet South and 800 feet West from the NE Corner of Section 9
5 N	35 E	WM	5	SW NE	Well 5A - 61 feet North and 1292 feet East from the C <sup>1</sup> / <sub>4</sub> Corner of Section 5
5 N	35 E	WM	5	SE NE	Well 5B - 1615 feet South and 1090 feet West from the NE Corner of Section 5
6 N	35 E	WM	32	SE SW	Well 5C - 612 feet North and 1985 feet East from the SW corner of Section 32
5 N	35 E	WM	4	NE NW	Well UMAT 50516 - 335 feet South and 1516 feet East from the NW Corner of Section 4

**Authorized Place of Use:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	3	NE SW	40.0
5 N	35 E	WM	3	SE SW	40.0
5 N	35 E	WM	3	NW SE	40.0
5 N	35 E	WM	3	SW SE	40.0
5 N	35 E	WM	4	SW NW	24.8
5 N	35 E	WM	4	NE SW	25.7
5 N	35 E	WM	4	NW SW	20.8
5 N	35 E	WM	4	SW SW	21.3
5 N	35 E	WM	4	SE SW	12.7
5 N	35 E	WM	4	NE SE	30.0
5 N	35 E	WM	4	NW SE	30.0
5 N	35 E	WM	4	SW SE	40.0
5 N	35 E	WM	4	SE SE	40.0
5 N	35 E	WM	5	NW NE	1.7

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	5	SW NE	36.7
5 N	35 E	WM	5	NE NW	2.8
5 N	35 E	WM	5	NW NW	0.5
5 N	35 E	WM	5	SE NW	3.5
5 N	35 E	WM	5	NE SW	40.0
5 N	35 E	WM	5	NW SW	35.8
5 N	35 E	WM	5	SW SW	35.8
5 N	35 E	WM	5	SE SW	40.0
5 N	35 E	WM	5	NE SE	40.0
5 N	35 E	WM	5	NW SE	40.0
5 N	35 E	WM	5	SW SE	40.0
5 N	35 E	WM	5	SE SE	40.0
5 N	35 E	WM	8	NE NE	40.0
5 N	35 E	WM	8	NW NE	40.0
5 N	35 E	WM	8	SW NE	20.0
5 N	35 E	WM	8	SE NE	25.4
5 N	35 E	WM	8	NE NW	30.0
5 N	35 E	WM	8	SE NW	20.4
5 N	35 E	WM	9	NE NE	40.0
5 N	35 E	WM	9	NW NE	33.5
5 N	35 E	WM	9	SE NE	40.0
5 N	35 E	WM	9	NE NW	0.7
5 N	35 E	WM	9	NW NW	8.4
5 N	35 E	WM	10	NW NE	25.0
5 N	35 E	WM	10	SW NE	15.8
5 N	35 E	WM	10	NE NW	0.3
5 N	35 E	WM	10	NW NW	25.7
5 N	35 E	WM	10	SW NW	1.2
6 N	35 E	WM	31	NE SE	5.0
6 N	35 E	WM	31	SE SE	4.0
6 N	35 E	WM	32	SW SW	4.0
6 N	35 E	WM	32	SE SW	10.3

SUPPLEMENTAL IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	4	SW NW	2.5
5 N	35 E	WM	4	NW SW	8.8
5 N	35 E	WM	5	NE NE	16.5
5 N	35 E	WM	5	NW NE	38.3
5 N	35 E	WM	5	SW NE	3.3
5 N	35 E	WM	5	SE NE	25.3
5 N	35 E	WM	5	NE NW	37.2
5 N	35 E	WM	5	NW NW	35.3
5 N	35 E	WM	5	SW NW	35.8
5 N	35 E	WM	5	SE NW	36.5
6 N	35 E	WM	31	NE SE	35.0
6 N	35 E	WM	31	SE SE	36.0
6 N	35 E	WM	32	SW SW	36.0
6 N	35 E	WM	32	SE SW	29.7

4. Permit Amendment Application T-10777 proposes to move the authorized points of appropriation for Wells 3A and 4A to:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	3	SW SE	Well 3A - 1156 feet North and 314 feet East from the S $\frac{1}{4}$ Corner of Section 3
5 N	35 E	WM	4	NE SW	Well 4A - 415 feet South and 500 feet West from the C $\frac{1}{4}$ Corner of Section 4

5. Permit Amendment Application T-10777 proposes additional points of appropriation located:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	4	NW SW	Well 4C - 50 feet South and 1400 feet West from the C $\frac{1}{4}$ Corner of Section 4
5 N	35 E	WM	4	NE SW	Well 4D - 375 feet South and 940 feet West from the C $\frac{1}{4}$ Corner of Section 4
5 N	35 E	WM	4	NW NW	Well 4E - 975 feet South and 1310 feet East from the NW Corner of Section 4

6. Permit Amendment Application T-10777 also proposes to change the place of use of the permit to:

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	3	SW NE	5.4
5 N	35 E	WM	3	SE NE	1.0
5 N	35 E	WM	3	SE NW	7.0
5 N	35 E	WM	3	NE SW	38.8
5 N	35 E	WM	3	SE SW	34.7
5 N	35 E	WM	3	NE SE	17.8
5 N	35 E	WM	3	NW SE	35.9
5 N	35 E	WM	3	SW SE	31.2
5 N	35 E	WM	3	SE SE	17.9
5 N	35 E	WM	4	SW NW	25.7
5 N	35 E	WM	4	NE SW	18.1
5 N	35 E	WM	4	NW SW	13.1
5 N	35 E	WM	4	SW SW	27.9
5 N	35 E	WM	4	SE SW	1.5
5 N	35 E	WM	4	NE SE	34.8
5 N	35 E	WM	4	NW SE	36.0
5 N	35 E	WM	4	SW SE	18.8
5 N	35 E	WM	4	SE SE	33.0
5 N	35 E	WM	5	NE NE	25.0
5 N	35 E	WM	5	NW NE	30.1
5 N	35 E	WM	5	SW NE	40.6
5 N	35 E	WM	5	SE NE	25.8
5 N	35 E	WM	5	NE NW	35.4
5 N	35 E	WM	5	NW NW	6.8
5 N	35 E	WM	5	SW NW	9.2
5 N	35 E	WM	5	SE NW	32.8
5 N	35 E	WM	5	NE SW	26.0
5 N	35 E	WM	5	NW SW	12.3

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	5	SW SW	1.3
5 N	35 E	WM	5	SE SW	14.4
5 N	35 E	WM	5	NE SE	36.7
5 N	35 E	WM	5	NW SE	31.4
5 N	35 E	WM	5	SW SE	29.3
5 N	35 E	WM	5	SE SE	31.4
5 N	35 E	WM	8	NE NE	32.4
5 N	35 E	WM	8	NW NE	29.5
5 N	35 E	WM	8	SW NE	33.0
5 N	35 E	WM	8	SE NE	16.4
5 N	35 E	WM	8	NE NW	32.8
5 N	35 E	WM	8	SE NW	31.3
5 N	35 E	WM	8	NE SW	23.9
5 N	35 E	WM	8	NW SW	4.2
5 N	35 E	WM	8	SW SW	2.3
5 N	35 E	WM	8	SE SW	31.2
5 N	35 E	WM	8	NE SE	13.5
5 N	35 E	WM	8	NW SE	25.7
5 N	35 E	WM	8	SW SE	37.0
5 N	35 E	WM	8	SE SE	36.9
5 N	35 E	WM	9	NE NE	27.6
5 N	35 E	WM	9	NW NE	0.6
5 N	35 E	WM	9	SE NE	9.6
5 N	35 E	WM	9	NE NW	26.1
5 N	35 E	WM	9	NW NW	19.6
5 N	35 E	WM	9	SW NW	20.1
5 N	35 E	WM	9	SE NW	7.9
5 N	35 E	WM	9	NW SW	9.4
5 N	35 E	WM	9	SW SW	2.9
5 N	35 E	WM	10	NE NE	12.8
5 N	35 E	WM	10	NW NE	34.0
5 N	35 E	WM	10	SW NE	39.1
5 N	35 E	WM	10	SE NE	18.3
5 N	35 E	WM	10	NE NW	25.7
5 N	35 E	WM	10	NW NW	30.3
5 N	35 E	WM	10	SW NW	33.9
5 N	35 E	WM	10	SE NW	27.0
5 N	35 E	WM	17	NE NE	1.4
5 N	35 E	WM	17	NW NE	2.1
5 N	35 E	WM	17	NE NW	0.9
6 N	35 E	WM	31	NE SE	2.1
6 N	35 E	WM	31	SE SE	15.9
6 N	35 E	WM	32	SW SW	15.5
6 N	35 E	WM	32	SE SW	8.0

7. The use described herein may be considered primary irrigation at the time of perfection of the appropriation, provided the underlying water right has been canceled, diminished, or transferred to other lands, and if the water has been beneficially used as the primary source for the use described in this permit.
8. Notice of the application for the permit amendment was published in the Department's weekly notice on February 17, 2009, and in the Walla Walla Daily Bulletin newspaper on May 5, 12, and 19, 2009, pursuant to ORS 540.520(5). No comments were filed in response to the notices.

***Permit Amendment Review Criteria***

9. The changes would not result in injury to other water rights.
10. The proposed place of use is controlled by the permit holder.
11. The changes do not enlarge the permit.
12. The changes do not alter any other terms of the permit.
13. The proposed place of use is contiguous to the authorized place of use.

***Partial Cancellation of Water Rights***

14. On June 17, 2009, affidavits certifying that portions of water rights have been abandoned and requesting partial cancellation of the rights was received from Seven Hills Properties LLC.
15. The portion of the first right to be cancelled is as follows:

**Certificate:** 2180 in the name of SOUTH VINCENT IRRIGATION CO. (C. W. THOMAS) (perfected under Permit S-1196)  
**Use:** IRRIGATION OF 81.5 ACRES  
**Priority Date:** MAY 20, 1912  
**Rate:** 1.02 CUBIC FEET PER SECOND  
**Source:** DRY CREEK, tributary to PINE CREEK

**Authorized Place of Use to be cancelled:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	31	NE SE	32.9
6 N	35 E	WM	31	SE SE	24.1
6 N	35 E	WM	32	SW SW	24.5

16. The portion of the second right to be cancelled is as follows:

**Certificate:** 5539 in the name of C. W. THOMAS (confirmed by Pine Creek, Umatilla County, (F) decree)  
**Use:** IRRIGATION OF 25.6 ACRES  
**Priority Date:** 1882  
**Rate:** One acre foot per acre during any thirty-day period, not to exceed 3.0 acre feet per acre during the irrigation season beginning April 1 and ending October 1.  
**Source:** DRY CREEK, tributary to PINE CREEK

**Authorized Place of Use to be cancelled:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	32	SE SW	25.6

17. The portion of the third right to be cancelled is as follows:

**Certificate:** 22860 in the name of NELL M. MURRAY (perfected under Permit U-323)  
**Use:** IRRIGATION OF 2.5 ACRES  
**Priority Date:** JANUARY 23, 1950  
**Rate:** 0.03 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.  
**Source:** A WELL in the DRY CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q
5 N	35 E	WM	5	NE NW

**Authorized Place of Use to be cancelled:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	5	NW NE	2.1
5 N	35 E	WM	5	NE NW	0.4

18. The portion of the fourth right to be cancelled is as follows:

**Certificate:** 31336 in the name of B. F. BREWER (confirmed by Pine Creek, Umatilla County, (F) decree)  
**Use:** IRRIGATION OF 3.4 ACRES  
**Priority Date:** 1891  
**Rate:** One acre foot per acre during any thirty-day period, not to exceed 3.0 acre feet per acre during the irrigation season beginning April 1 and ending October 1.  
**Source:** DRY CREEK, tributary to PINE CREEK

**Authorized Place of Use to be cancelled:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	4	SW NW	1.3
5 N	35 E	WM	4	NW SW	2.1

19. The portion of the fifth right to be cancelled is as follows:

**Certificate:** 44557 in the name of BAUNE FARMS INC. (perfected under Permit S-29083)  
**Use:** IRRIGATION OF 91.4 ACRES  
**Priority Date:** FEBRUARY 21, 1962  
**Rate:** 0.36 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is subject to the terms and conditions of a special order dated February 22, 1963 and recorded in page 329, Volume 12, Special Order Record, and by reference made a part thereof.  
**Source:** DRY CREEK, tributary to PINE CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	4	NW SW	830 FEET SOUTH AND 3320 FEET EAST FROM THE C <sup>1</sup> / <sub>4</sub> CORNER OF SECTION 5



**Authorized Place of Use to be cancelled:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	4	SW NW	1.2
5 N	35 E	WM	4	NW SW	3.5
5 N	35 E	WM	5	NE NE	4.4
5 N	35 E	WM	5	NW NE	5.9
5 N	35 E	WM	5	SE NE	8.8
5 N	35 E	WM	5	NE NW	1.3
5 N	35 E	WM	5	NW NW	30.2
5 N	35 E	WM	5	SW NW	30.8
5 N	35 E	WM	5	SE NW	5.3

***Partial Diminution of Water Rights***

20. On June 17, 2009, affidavits certifying that a different source of water for primary irrigation on certain lands was received from Seven Hills Properties LLC. The affidavits request that certain water rights be diminished from primary irrigation to supplemental irrigation.
21. The portion of the first right to be diminished is as follows:

**Certificate:** 2180 in the name of SOUTH VINCENT IRRIGATION CO. (C. W. THOMAS) (perfected under Permit S-1196)  
**Use:** IRRIGATION OF 25.5 ACRES  
**Priority Date:** MAY 20, 1912  
**Rate:** 0.32 CUBIC FOOT PER SECOND  
**Source:** DRY CREEK, tributary to PINE CREEK

**Authorized place of use to be diminished to supplemental irrigation:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	31	NE SE	2.1
6 N	35 E	WM	31	SE SE	11.9
6 N	35 E	WM	32	SW SW	11.5

22. The portion of the second right to be diminished is as follows:
- Certificate:** 5539 in the name of C. W. THOMAS (confirmed by Pine Creek, Umatilla County, (F) decree)  
**Use:** IRRIGATION OF 4.1 ACRES  
**Priority Date:** 1908  
**Rate:** One acre foot per acre during any thirty-day period, not to exceed 3.0 acre feet per acre during the irrigation season beginning April 1 and ending October 1.  
**Source:** DRY CREEK, tributary to PINE CREEK

**Authorized place of use to be diminished to supplemental irrigation:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
6 N	35 E	WM	32	SE SW	4.1

23. The portion of the third right to be diminished is as follows:

**Certificate:** 22860 in the name of NELL M. MURRAY (perfected under Permit U-323)  
**Use:** IRRIGATION OF 29.6 ACRES  
**Priority Date:** JANUARY 23, 1950  
**Rate:** 0.37 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

**Source:** A WELL in the DRY CREEK BASIN

**Authorized Point of Appropriation:**

Twp	Rng	Mer	Sec	Q-Q
5 N	35 E	WM	5	NE NW

**Authorized place of use to be diminished to supplemental irrigation:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	5	NW NE	18.3
5 N	35 E	WM	5	NE NW	9.2
5 N	35 E	WM	5	NW NW	2.1

24. The portion of the fourth right to be diminished is as follows:

**Certificate:** 44557 in the name of BAUNE FARMS, INC. (perfected under Permit S-29083)  
**Use:** IRRIGATION OF 167.6 ACRES  
**Priority Date:** FEBRUARY 21, 1962  
**Rate:** 0.65 CUBIC FOOT PER SECOND  
**Limit/Duty:** The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-SIXTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and is subject to the terms and conditions of a special order dated February 22, 1963 and recorded in page 329, Volume 12, Special Order Record, and by reference made a part thereof.

**Source:** DRY CREEK, tributary to PINE CREEK

**Authorized Point of Diversion:**

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 N	35 E	WM	4	NW SW	830 FEET SOUTH AND 3320 FEET EAST FROM THE C¼ OF SECTION 5

**Authorized place of use to be diminished to supplemental irrigation:**

IRRIGATION					
Twp	Rng	Mer	Sec	Q-Q	Acres
5 N	35 E	WM	5	NE NE	23.0
5 N	35 E	WM	5	NW NE	12.0
5 N	35 E	WM	5	SW NE	36.7
5 N	35 E	WM	5	SE NE	23.2
5 N	35 E	WM	5	NE NW	26.3
5 N	35 E	WM	5	NW NW	3.0
5 N	35 E	WM	5	SW NW	9.2
5 N	35 E	WM	5	SE NW	31.2

**Conclusions of Law**

The change in points of appropriation, additional points of appropriation and change in place of use proposed by Permit Amendment Application T-10777 are consistent with the requirements of ORS 537.211. The portions of Certificates 2180, 5539, 22860, 31336, and 44557 described in Findings of Fact Nos. 15 through 19 as abandoned are cancelled. The portions of Certificates 2180, 5539, 22860, and 44557 described in Findings of Fact Nos. 21 through 24 that have been requested to be diminished from primary irrigation to supplemental irrigation are diminished to supplemental irrigation.

**Now, therefore, it is ORDERED:**

The changes and subsequent use of water shall be subject to the following conditions:

1. The combined quantity of water diverted at the new points of appropriation, together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. Prior to water use from the proposed points of appropriation, the permittee shall install meters or other suitable measuring devices as approved by the Director. The permittee shall maintain the meters or measuring devices in good working order, and shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.

The permittee shall allow the watermaster access to the meters or measuring devices; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

3. The water user shall measure and report annual static water levels for each of the proposed points of appropriation. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

The permittee shall submit an initial March static water-level measurement once well construction is complete and annual measurements thereafter. Annual measurements are required whether or not the well is used. The first annual measurement will establish a reference level against which future measurements will be compared. However, the Director may establish the reference level based on an analysis of other water-level data. The Director may require the user to measure and report additional water levels each year if more data are needed to evaluate the aquifer system.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board. Measurements shall be submitted on forms provided by, or specified by, the Department. Measurements shall be made with equipment that is accurate to at least the standards specified in OAR 690-217-0045. The Department requires the individuals performing the measurement to:

- A. Identify each well with its associated measurement; and
- B. Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- C. Specify the method used to obtain each well measurement; and
- D. Certify the accuracy of all measurements and calculations submitted to the Department.


The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the wells if any of the following events occur:

- A. Annual water level measurements reveal an average water level decline of three or more feet per year for five consecutive years; or
- B. Annual water level measurements reveal a water level decline of 15 or more feet in fewer than five consecutive years; or
- C. Annual water level measurements reveal a water level decline of 25 or more feet; or
- D. Hydraulic interference leads to a decline of 25 feet or more in any neighboring well of senior priority.

The period of restricted use shall continue until the water level rises above the decline level which triggered the action or the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or causing substantial interference with senior water rights. The water user shall not allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

4. Water shall be acquired from the same aquifer as the original points of appropriation.
5. The former place of use shall no longer be irrigated as part of this permit.
6. All other terms and conditions of Permit G-15883 remain the same.
7. Permit G-15883, in the name of Seven Hills Properties LLC, is amended as described herein.
8. The portions of the water rights described by Certificates 2180, 5539, 22860, 31336 and 44557 that have been abandoned are cancelled.
9. Water Right Certificates 2180, 5539, 22860, 31336 and 44557 are cancelled. A new certificate will be issued describing that portion of the right described by Certificate 31336 not cancelled by this order.
10. The portions of the water rights described by Certificates 2180, 5539, 22860 and 44557 requested to be diminished from primary irrigation to supplemental irrigation are diminished to supplemental irrigation. New certificates confirming the diminution of the rights will be issued.

Dated at Salem, Oregon this 7<sup>th</sup> day of July, 2009.

  
Phillip C. Ward, Director *PCW*

Mailing Date: JUL 14 2009